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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ EFA(OS) 9/2015 and CM No. 6704-6705/2015

UZI JUSTMAN

..... Appellant

Through: Mr Rajiv Tyagi, Mr Afsar Nabi and
Mr Divakar Kumar, Advs.

versus

M/S TELEPHONE CABLES LTD & ANR

..... Respondents

Through: Mr Arjun Dewan, Adv for respondent
No.1 and 2

Mr Siddharth Mittal for Official Liquidator

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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13.01.2016

We are informed that the Judgment Debtor-Company has been ordered to be wound up and liquidation proceedings have been pending. Official Liquidator has taken the charge. In these circumstances, by virtue of Section 446 of the Companies Act, 1956 the execution proceedings cannot continue without permission of the concerned Company Court. The impugned order dated 10.02.2015 (which reiterates a previous order dated 19.11.2014) has been challenged to the extent it directs publication in a newspaper about the amounts deposited as a consequence of a garnishee order dated 06.12.2013.

In the light of the subsequent developments, i.e., passing of the

winding up order, we are of the opinion that the interest of justice would not be sub-served in maintaining the said direction. Accordingly, the direction in para 7 of the impugned order dated 19.11.2014 is hereby set aside. The matter is directed to be listed before the Executing Court on 18.03.2016.

The counsel for the liquidator shall apprise that Court of the stage at which the Section 446 application, if any, is pending or any order made thereon.

The appeal is disposed of in the above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 13, 2016

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